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SUBJECT: CIVIL SOCIETY ADVOCATES AGAINST CRIMINALIZING SEX
WORKERS

KIGALI 00000033 001.2 OF 002

11. (SBU) SUMMARY: A coalition of civil society representatives met January 5 to discuss an article in the draft penal code criminalizing sex workers. The lower house adopted the penal code in December and will send it to the Senate after translating it into French and English. The article carries a penalty of imprisonment and/or a fine to both the sex worker and the client. The coalition is concerned over possible negative health and human rights impacts the law might have on sex workers. END SUMMARY.

12. (SBU) A coalition of Rwandan NGOs working on issues such as health, media, youth, literacy, and women met January 5 to discuss urging senators to remove an article in the draft penal code that would criminalize sex workers. (Note: In late 2009, these same groups lobbied the lower chamber of parliament to remove two articles from the draft penal code--one criminalizing homosexuality and the other criminalizing sex work. In December, the lower chamber removed the former but passed the latter, and will send the draft to the senate once it is translated into French and English. End Note.) The proposed legislation carries a penalty of six months to three years in prison and/or a fine of 50,000 to 500,000 Rwandan francs (approximately \$100-\$1,000). Each judge would also have the option to put the accused on probation for a period of up to one year with stipulations that can include: restrictions on travel, investigations, medical care/hospitalization, and/or mandatory meetings with authorities. These punishments apply to both the sex worker and the client. According to some participants who observed debates on the penal code in the lower chamber, parliamentarians expressed concerns that the law may only punish poor sex workers who are visible on the roadside, it could be difficult to enforce, and producing evidence of sex work could be impossible. After the debates, they passed the article.

13. (SBU) The Rwandan NGO coalition believes that it was, in part, their efforts that led to the removal of the homosexuality legislation. They also acknowledged that the Minister of Justice's recognition of the various international conventions to which Rwanda is a signatory and the Rwandan constitution, which guarantees citizens are equal before the law without discrimination, played an important role. Sex work is a very different issue; some parliamentarians argue that even in countries with exceptional human rights records, sex work is a crime. Together the coalition agreed on several points regarding the legislation. First and foremost, they are concerned that criminalizing sex work will push this already vulnerable group further into hiding, making it more difficult to reach them with health services, especially for HIV/AIDS. (Note: According to some NGOs, sex workers in Rwanda are already a

very difficult group to reach. End Note.) From the human rights aspect, they argued that this law could expose sex workers to increased harassment and abuse and will leave them no legal recourse. Another aspect is gender. The majority of sex workers are female and the coalition thinks that with the Rwandan government's commitment to gender equality, plus the fact that a third of Rwanda's senators are women, it can make a strong case against imprisoning vulnerable women instead of finding them alternative sources of income. And finally, the coalition noted that imprisoning a sex worker for three years will not address the root cause--poverty. Like with the homosexuality article, the group mentioned several commitments Rwanda has made, such as ensuring universal access to HIV services, that it can use when lobbying senators.

¶4. (SBU) The coalition chose a small committee to draft a position paper, to be shared among the group for comments. Once finalized, the paper can be used in lobbying efforts with individual members of the senate, Ministry of Health officials, and the National AIDS Commission, which includes sex workers as a target group for HIV services in its national strategic plan. The coalition is considering holding a workshop for civil society, international NGOs, senators, parliamentarians, and other government officials to discuss the importance of access to health and HIV services for all groups in Rwanda. Some local and international NGOs in Rwanda provide services to sex workers, and it is unknown how this law could impact their work.

¶5. (SBU) COMMENT: Although sex work is not as sensitive an issue in Rwanda as homosexuality, it is noteworthy that the coalition--a loosely organized, unregistered group--is again preparing to lobby parliament. The fact that the group, despite its unregistered status, felt confident enough to

KIGALI 00000033 002.2 OF 002

hold a press conference publicizing the draft article criminalizing homosexuality may indicate that it has some political backing. That said, it does not appear that civil society efforts influenced significantly parliamentarians' decision to remove the homosexuality legislation; rather, lobbying and statements by key government figures were decisive. Rwandan civil society is weak and neither its members nor the government fully understands its role. These recent efforts may be an indicator of increasing strength and organization. After the meeting, one participant mentioned that he would like to see this group become more formal and be available to advocate on any important issues that arise. END COMMENT.
SYMINGTON